



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEFANO FARSURA, et al.,

Plaintiffs,

- against -

QC TERME UC CORP, et al.,

Defendants.
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21-cv-9030 (AT) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves (1) the discovery issue previously raised by the parties concerning Defendants' motion to compel production of financial information from Plaintiffs for the period of 2011-2016, and (2) Plaintiffs' letter motion to strike Defendants' Fourth Affirmative Defense. These subjects are addressed variously by the parties in, but not limited to, Dkt. 95, 96, 100, 129, and 140.

Financial Information: The Court finds that some of the allegations in Defendants' amended affirmative defenses (see Dkts. 117-20) do not implicate the information Defendants' seek. Some of the allegations, however, sufficiently do so. The allegations expressly implicate Plaintiffs' assets and ability to secure funds, whether by credit or otherwise, to fund Plaintiffs' alleged share in the joint venture, not only at the point of entry into the alleged joint venture but also during the years-long negotiation period preceding it. At the same time, the totality of the information sought is not proportional to the needs of the litigation and is unduly invasive. Accordingly, Plaintiffs shall produce information sufficient to demonstrate their assets and credit worthiness for

the period 2011-2016 to the extent such information exists and can be produced in summary form. Plaintiffs may, but need not, produce tax returns to provide this information. All such information shall be protected as confidential under the protective order. Defense counsel shall continue to refrain from accessing Plaintiff Farsura's Drop Box file and the information received in response to the subpoena served on Plaintiffs' accountant.

Fourth Affirmative Defense: The Court denies the motion to strike as moot and without prejudice in light of Defendants' having filed amended affirmative defenses.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 23, 2022
New York, New York

Copies transmitted this date to all counsel of record.